

Joyce:

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Welcome back to #SistersInLaw with Jill Wine-Banks, Barb McQuade, Kimberly Atkins Stohr and me, Joyce Vance. Today we'll be discussing the shooting at an LGBTQ nightclub in Colorado Springs, subsequent shootings and the impact of hate speech. New information about the Supreme Court and pay to play access to the justices and developments and investigations into the former president. And as always, we look forward to answering your questions at the end of the show. On December 3rd, we'll publish our hundredth full episode. It's hard to believe. To celebrate the anniversary, we want to hear from you, our listeners, and invite you to answer this question through our first hundred episodes, what's the most important thing you've learned from the #SistersInLaw Podcast? Please share your biggest learnings or takeaways with us on Twitter and Instagram using #sistersinlaw100. That's #sistersinlaw 100. We can't wait to hear from you, but before we dig into this week's news, I have a question for my sisters.

I love Thanksgiving. I think it's this low pressure holiday, no gifts, no presents, really good food and family. And I'm always intrigued by the question of do you follow old traditions or do you make up new ones? This year we returned to an old tradition in our house. It used to be our tradition the Wednesday night before Thanksgiving to invite friends and neighbors over for a glass of the Beaujolais Nouveau before they went back and did their cooking and their preparation. And then we had our fourth child and our lives fell apart because he was the high maintenance baby of all time. I like to blame him for that. It really wasn't his fault. But so we didn't for 20 years engage in that tradition. And this year we bought some of the Nouveau Beaujolais when it was released, had a bunch of friends and neighbors over, had a great time and it was lovely to restore that old tradition. So how about you guys? Barb, old traditions or new ones?

Barb:

Well, I don't even know what Nouveau Beaujolais is, so I guess I'm very passe.

Joyce:

It's the Beaujolais Nouveau. I have no palette for... I don't have high end taste, but one year somebody introduced it to us. It's released every year the Thursday before Thanksgiving, so it's fun to have.

Barb:

It sounds delicious. No, our tradition, our old tradition and our new one is watching the Lions play football. And the tradition seems to be watching the Lions lose on Thanksgiving. And so that tradition stood firm again this year and Joyce was texting me during the game saying, "Oh, they're going to win. This is so great." And I said, "Oh Joyce, dear Joyce, naive Joyce, you're new here, aren't you?" They suck you in. It looks like, oh my gosh, this is going to be the day. And then somehow they find some new and creative way to lose. You really have to tip your hat to the endless creativity, but it really is the Charlie Brown kicking the football year after year. But yet, it's part of the tradition and we love it. And so that's what we did.

Joyce:

I enjoy it too. Kim, how about you? I know that you've got Detroit ties, but old traditions are new traditions in addition to the game.

Kim:

Well I guess with that it was a bit of old ones. My mom did the same thing when I talked to her on the phone Thanksgiving morning. She's like, "The lions look like they're going to do it." I'm like, "Have you met them?" So that was a little bit of the old that was thrown in. But the new traditions, so the past couple of Thanksgivings that we were able to, I've gotten together with my husband's family, my in-laws, my other in-laws. And so I have been traditionally bringing them, the new tradition is I bring a pie, a sweet potato pie.

And Joyce, it's funny that you call this a low stress holiday because when you're cooking food for your new family for the first couple times, I was so stressed out and honestly on Thanksgiving this time for the first time as I was putting it together, I just did not put that pressure on myself. I'm like, you know what, it's a pie. It's a sweet potato pie. I know how to make this. I'm just going to make it. I forgot an ingredient after it was already in the oven. I said, "It's fine, it'll be fine." And it was fine. So it was the first time that I really relaxed enough to make this a low stress holiday with the Stohrs.

Joyce:

I love that. You and my mother-in-law would've been best friends because one year she used those pre-made pie crusts and she left the paper in the pie crust before she put the filling in. And you have to understand that, I mean, Helen was like her sisters-in-law, my father-in-law's family, they were all these wonderful, perfect housekeepers. And mom really didn't care about keeping house or cooking or anything. And so she loved the fact that she did that. And she told me for years and after I did that, my sisters-in-law never asked me to make anything for the holidays ever again.

Barb:

See, it's all part of the big plan.

Joyce:

Jill, what about y'all? I mean, no Detroit Lions in Chicago, but new traditions?

Jill:

No Detroit Lions. Our game was on in the background, but I combined old and new. I celebrated with my friends as we've talked about before, one of my quints, the group of five women that has weekly political conversations. But I brought my usual jello molds. One is Michelle Cumbo's cranberry mold. You all know Michelle.

Barb:

Michelle Cumbo from MSNBC?

Joyce:

Michelle hasn't shared that recipe with us. Michelle, you've been holding out on the rest of us.

Jill:

Yes, yes. Well it's wonderful. And I posted it last week on our show notes. I also made my famous lime jello mold from the Jello cookbook, lime pear mold. But this year I made stuffed mushrooms, garlic bread stuffed mushrooms that I learned to make this week on Marissa Rothkopf's show. And so I know some of you have been on with her and this was learning to use my air fryer and this will now be a new tradition. It was quite a big smashing success. Everybody loved my mushrooms.

Joyce:

We need a total shout out to Marissa Rothkopf's Secret Life of Cookies podcast. I get so many good recipes from her.

Jill:

This is a good one. And I will post this one on this week's show because that's my new tradition. And I'm even thinking of enlarging it to put it in a big portobello and making it a main course as opposed to just a little mushroom that's a one bite appetizer. I think it would make a great main course.

Joyce:

Okay, Barb is giving you the look like too much cooking, Jill.

Barb:

I went on Marissa's podcast on the condition that we not talk about cooking and she could, even though it's a podcast about cooking.

Jill:

She shared that with me. I actually realized five minutes before we were going on, I went, wait a second, how am I going to cook with you? My entire setup is in my living room and how am I going to get a microphone into my kitchen? And she said, "Well, you could use your audio on the computer." Well, how am I going to get the camera to focus on what I'm doing and how am... She said, "Well, let's just make it easy. You'll watch me." And so I learned, and it was really partly because I wanted to learn more recipes from my air fryer, which was a gift from my best friends, which is an amazing device if you learn how to use it right.

And this recipe makes the crunchiest crispiest mushroom appetizers because of the air fryer. But I made a mistake and when I reheated them at my friend's house, I kept them wrapped in tinfoil and they got soft, which they tasted the same and they were delicious, but it didn't have that crunch. So just a warning, if you're cooking in an air fryer, it's probably best to serve it right away from your air fryer, not to reheat them in someone else's oven.

Kim:

Lomi is doing the composting from the leftovers from Thanksgiving. Jill, have you tried Lomi?

Jill:

I have. And Lomi is your friend. With our planet under siege from climate change, it's up to all of us to make a difference. Luckily, there are big steps we can all make to take action. One of the most effective ways we found to do our part is to reduce our garbage and food waste by using Lomi by Pela. We've been able to drastically cut down on our household waste output. Lomi is an incredible and effective home appliance that allows you to turn food scraps into dirt with a push of a button. Lomi is a

countertop electric composter that turns scraps to dirt in under four hours. There's no smell when it runs and it's really quiet. Plus, it looks high tech and sleek. And we love how it compliments a great kitchen setup.

Joyce:

We're really excited about Lomi, but with four kids and pets and everything that goes on, we have a lot that can be composted. And for our recent holiday party, I actually experimented. I got some bamboo based plates and I'm looking forward to running them through Lomi later today. Composting used to be intimidating, but Lomi makes it so easy and it feels great. Already we're reducing our weekly garbage bag usage multiple times per week.

In fact, at my house, as I mentioned, we hosted dinner cleanup became a cinch. The guests were amazed when we barely had to throw anything away. And Lomi left us with some nutrient rich dirt that can go directly into my plants. It's that time of year here in the deep south where you put down some mulch as your plants go to sleep for what little cold weather we get down here. It was a big hit with our guests and it will be with yours too. Food waste is a huge portion of our personal carbon footprint and by reducing the amount of food we throw out, it's transformative. That waste reduction means it's not going to landfills in producing methane. Your yard and your garden benefit instead.

Jill:

I'm so happy to be using Lomi and making my goddaughter and her family proud. So if you want to start making a positive environmental impact or just make cleanup after dinner that much easier, Lomi is perfect for you. Head to [lomicom/sisters](https://lomicom.com/sisters) and use the promo code Sisters to get \$50 off your Lomi. That's \$50 off when you head to lomi.com/sisters and use promo code Sisters at checkout. Food waste is gross. Lomi is your solution. With the holidays just around the corner, Lomi will make the perfect gift for someone on your shopping list. Their link is also in our show notes.

Joyce:

So y'all, no kidding, my kid who is home, the one who's doing FoodCorps up in Maine is so taken with Lomi and I'm afraid she's going to steal it.

Barb:

Well there was some somber news over the past couple of weeks, more mass shootings. Last weekend, of course, a gunman killed patrons at Club Q, an LGBT club in Colorado Springs. And we had barely started grieving the lives lost there when a Walmart manager in Chesapeake, Virginia opened fire on his coworkers in a break room killing himself and six others earlier this week. And those two shootings came right after a University of Virginia student opened fire on a bus during a school trip and killed three fellow students who were members of the football team. It seems like mass shootings are becoming part of everyday life in America. Jill, let's get behind these statistics a little bit. I mean, it really feels like there's one of these every time we turn around. What does it mean to call something a mass shooting and are there more than we've seen in the past or does it just seem that way?

Jill:

So that's a great question and the answer for what is a mass shooting? It has been defined as where four or more people are killed. And so these are all where at least four people, not counting the shooter, have died. And in terms of whether they are increasing, first of all, where is Steve Kornacki when we

need him? I'd love to have him describe this, but the answer is we are on a trend upward, although so far this year we may not beat last year's record, which was an all time high, but we'll be really close.

There have been more than 600 mass shootings this year. Just think about that, 600, it's almost two a day and how many do we really hear about? That's what's so stunning. We should be hearing about every single one of these every day from every source of information that we could possibly have. We get the ones that are like Club Q or the Orlando shooting several years ago in a similar club. But we don't hear about those. And we also don't hear about the shootings in Chicago where 15 people in a day may die, but they happened in seven different incidents and so they aren't reported. The number of people being killed each year by guns is one that demands attention both as a health hazard and as a gun safety measure legislation necessary issue. We must do something about it.

Barb:

Yeah, I saw a graphic today that talked about the correlation between stricter gun laws and reductions in gun violence. I thought that was really interesting. Kim, let me ask you about legislation. After those mass shootings we had this summer at the Buffalo Supermarket and then the elementary school in Uvalde, Texas, Congress actually passed bipartisan legislation to address gun violence for the first time in 30 years. What did that legislation do and is it in effect yet? Do these recent shootings suggest it's not working or do we need to do more?

Kim:

Yeah, so the law did go into effect. It was signed into law back in July by the president. But I think it's an issue of this being too little. It's a drop in the bucket of what is needed. And it's also a reminder that there are laws in place that just aren't used to prevent this. So the law did several things, including barring people who have been convicted of domestic abuse, even if it's against a dating partner, not just a spouse or former spouse, bar them from owning guns. It expands background checks for people between the ages of 18 and 21, younger people. But it also creates incentives for states to pass red flag laws. And these are also called extreme risk protection orders. And what that means is that if somebody is known to be a threat to themselves or someone else, you can petition a court, either law enforcement or a family member can petition a court to have that person's guns in their possession removed and prevent them from purchasing guns.

Well in these cases, both Colorado and Virginia already had red flag laws and in the case of the Colorado shooter, he had been previously arrested in connection with a bomb threat. So there are questions as to whether the red flag law there, had somebody activated it, had somebody used it, might have prevented this. There's no sense about that in the Virginia case. It seems that this shooter purchased a gun that morning, legally had no previous arrests and so it's really unclear. We know a lot less about that case. But it's a possibility that in Colorado the red flag law had it been used could have helped, but that's the problem with red flag laws. They are underutilized in all of the more than dozen states that have them. Most people don't know about it. If they do, they don't use them. And that, I think, we need an education campaign just to let people know that they exist, how they work and how important they are.

Barb:

Yeah, and there's also hostility to some of these gun laws. There are certainly people who advocate for their Second Amendment rights and that's most certainly true under our constitution. But they perpetuate this myth that the Second Amendment is absolute and that there can be no restrictions on guns, which as we know is not the case. Even Justice Scalia in the Heller case, which defined gun rights as belonging to individuals, said that it doesn't mean that anyone whatsoever can possess any gun

whatsoever in any place wheresoever. So these restrictions are permissible and I also think it is a disservice or perhaps intentional disinformation when people say, "Well, even this law didn't prevent this attack, therefore no laws can stop anybody so we shouldn't try. The only thing that can stop a bad man with a gun is a good man with a gun, et cetera, et cetera."

But I know for my work in national security that there's no silver bullet that will solve every problem, but you can certainly reduce the likelihood of an attack by having a number of different solutions. In national security, we call it redundancies. You make sure that you don't have onscreen people coming across the border and you do background checks when people are going to join the government and you have magnetometers at airports and you don't let people bring guns on planes and you have a whole series of rules in place to try to catch all the various ways someone might exploit them. So just because one law didn't work in one instance doesn't mean all of them are useless. Joyce, I see another interesting fact that's been coming out in Colorado Springs is that the shooter has been charged under state law with the murder of five people, but also bias motivated crimes. And in a court appearance this week, lawyers for the shooters said that their client identifies as non-binary. Does that make a difference for charging hate crime offenses?

Joyce:

This is such an interesting question, right? Because typically we think about hate crimes as being someone who is maybe from the political right, who is engaging in a crime out of hate. But I think the answer to this, Barb, is no. That the shooter's status as a non-binary person does not impact whether or not they can be charged with a hate crime. Hate crime is based on your motive. Clearly the prosecutors in Colorado believe that they have sufficient evidence to prove under their state statute that that motivation exists. No words yet on whether or not there will be federal charges that will go behind the state ones here or perhaps even be filed in place of them at some point. But in reality, the shooter's status does not mean that they can't be charged with a hate crime. It has to do with what was going on in their mind when they committed the crime.

Jill:

Yeah, Barb, could we also add the fact that there's a lot of evidence that that is a defense ploy, that he is not, in fact, non-binary? His mother called him he. Neighbors thought of him as he. So this claim that he is a they may not-

Joyce:

But can I just say that I'm withholding judgment in that area because for so many non-binary people or people who are LGBTQ, there is so much trouble within their family and their traditional upbringing area with accepting their identity that I'm willing to accept that at face value and see how it pans out. Whether it's legitimate or not, I just don't think it's a defense.

Barb:

Yeah, I think that's a good point. Jill, I saw some of these same interviews or people who knew them said that the shooter had expressed a lot of hatred for members of the LGBTQ community. But like Joyce, I guess that doesn't mean we know how that person identifies and regardless it's not a legal defense, so it may be a plot, but it won't be a successful one.

Kim:

People can feel experienced self-hatred as well, so as I think the key point is not a defense.

Jill:

I think self-hatred is a big issue as well. And I agree, it is not a defense even if they are non-binary.

Barb:

Yeah. Jill, let me just ask you a little bit about hate crimes laws because I hear this from time to time. Why it is isn't enough just to charge the shooter with murder? That's enough. Life imprisonment is a penalty. We don't need these special rights for certain groups. How do you respond to that?

Jill:

There's a valid argument there, but I think the reason that there is the extra penalty imposed is that whatever happens to a particular person who is a member of a protected group happens to every member of that group. They are living in fear and they need protection. And in this case I'm using they in the generic they, whether it is based on race or religion or sexual identity. And so there is a reason to have these extra laws and in some states, for example, there are not bias based additional penalties, so that means that there is also the possibility of a federal interest in protecting a particular group. We've seen that happen in a number of cases where the bias didn't get prosecuted or where there may be an acquittal even on the assault or murder charges. There is this additional possibility of charging someone for a race or gender identity, sexual identity based crime.

Barb:

Yeah, I also think, Jill as you said, it protects all members of a group and it also says that we as a society, whether we're part of that group or not, won't tolerate crimes that target people on the basis of their membership in some demographic group, whether it's race, gender, sexual orientation, gender identity. So I think it is more than just a murder here when you target people because of those demographics and that kind of crime is especially repugnant in a society like ours that values our pluralistic society. Well, let me move on to you Kim. How should we think about the Club Q shooting in light of political attacks we have seen directed at the LGBT community? I mean do they invite this kind of violence?

Kim:

Yeah, I think this goes hand in hand with the issues about hate crimes, whether they're necessary, whether any crime should be considered the same regardless of the motivation, it's not the same. These are, in a way, terror, acts of terror against entire communities. It wasn't just directed to the people who were at Club Q at that moment. And I think that's precisely why we need hate crimes is because of the motivation and it goes toward making statements, taking action that reverberate throughout the LGBTQ community and beyond. And in that light in recent years, there has been a disturbing increase at the amount of hate and threats that are directed at the LGBTQ community. And I think that is something, calling that what it is focusing on that is important for law enforcement to understand. It's important for community members to understand. I think it's important for judges when they hear these cases and do sentencing to understand and to think about these things differently in light of that heightened awareness.

This is on top of all the other perils that LGBTQ folks face, especially transgender folks who are assaulted and killed at a dramatically shockingly higher rate than the national average. Hate crimes are nothing

new, but the current climate in our country and increased hate overall has certainly affected them too. So I think focusing on this is extremely important.

Barb:

Yeah, I mean, I don't know how many of our political leaders listen to this podcast, probably a lot of them, but I hereby call upon our political leaders to just tone down the rhetoric because I think when leaders express this kind of vitriol, it gives license to other people to express it as well. And not just verbally but through actions. And so I'm sure there were a thousand factors that contributed to this particular shooting or any particular shooting, but I think you increase the likelihood and we've talked about this concept before of stochastic terrorism. One person says bad things should happen to this group. And then somewhere far away someone hears that and the message resonates and they take action. And so I think all of our leaders need to demonstrate tolerance, demonstrate non-violence, and talk about politics without making it a personal attack on people based on who they are. Well, let's end this conversation on a happier note. Joyce, did you read about that Army veteran who took down the Club Q shooter and can you tell us a little bit about him?

Joyce:

I did. I suspect everybody's seen him on TV at this point and it really was an uplifting sort of a moment in the middle of a really tough week. But Richard Fierro served for 15 years in the military. He's at the night club in Colorado Springs with his family and they're there to support a friend who's in the drag show that night. And his comments were so sincere and from the heart. He knew that his family was there. His wife was out in an outdoor area where the gunman seemed to be headed and he said, "I knew I just had to take him down." And so that's absolutely what he did. I view this as proof that the answer to a bad guy with a gun is a good guy without a gun and with an open heart. It seems to me that there's a lesson here that transcends all of the outraged protestations that we hear about people who want their Second Amendment rights enforced in ways that put everybody else in danger. I hope he becomes the poster child for how we handle these issues going forward.

Barb:

Yeah, and listeners may have found this already, but Richard Fierro and his wife Jess Fierro own a brew pub in Colorado called Atrevida. And their motto is diversity is on tap and they sell merch and I bought a T-shirt just because I wanted to show them some love and some support. So we'll put the link to their website in our show notes in case people want to do that. Great holiday gifts, the Atrevida Brew Pub merch.

Jill:

When you talk about T-shirts, I just was listening to a documentary on MSNBC and Four Seasons Landscaping sells T-shirts.

Joyce:

Really?

Jill:

They've made millions on their T-shirts.

Joyce:

Well good. I hope that that happens for Mr. Fierro and his family because they certainly deserve it. So Kim, I've just finished my semester of teaching. I'm writing a final exam, getting ready to grade, gearing up for the holidays, and I am feeling stressed out beyond all belief. Do you have any advice for me?

Kim:

I really do. I have managed my stress really well, in part by using Calm. It's an app that can do everything from lead you in short meditations to longer ones, walking meditations and even nighttime stories, which I listened to last night and it was interesting, but not enough that I got to the end. I don't know what happened because guess what? I fell asleep. And right now I want you all to do a simple breathing exercise. Breathe in through your nose, hold it for about five seconds and then exhale through your mouth. Keep this up while I tell you about today's sponsor Calm. Their app is one of our most powerful secrets to self-care. That's why we're partnering with Calm, the number one mental wellness app to share with you the tools that improve the way you feel. You can reduce stress and anxiety through guided meditations, improve focus with curated musical tracks and rest and recharge with Calm's imaginative sleep stories for children and adults.

Joyce:

I'm looking forward to trying out the new daily movement sessions. They're designed to relax your body and uplift your mind. And if you go to calm.com/sisters, you'll get a special offer of 40% off a Calm premium subscription, along with new content that's added. Every week over 100 million people around the world use Calm to take care of their minds. So know that Calm is ready to help you stress less, sleep more, and live a happier, healthier life.

Jill:

I have to weigh in here because I'm someone who is always staying up far later than is recommended.

Joyce:

We have not noticed that, Jill.

Jill:

You mean the fact that I send you emails at 3:00 AM, which is when you guys are waking up and I'm just going to bed. But yeah, as someone who does that, Calm is really helpful to me. After only a few minutes, I can feel relaxed and begin to drift off while the stress of the day's requirements start to fade away.

Kim:

For listeners of the show, Calm is offering an exclusive offer, a 40% off a premium subscription at calm.com/sisters. Go to calm.com/sisters for 40% off of unlimited access to Calm's entire library. Once again, that's calm.com/sisters or look for the link in our show notes.

Jill:

There's reporting about a possible new Supreme Court scandal, one that looks like pay to play for access to the justices. This one involves a concerted lobbying campaign by an anti-choice leader and the leak of the Hobby Lobby case about private corporations not having to cover contraceptives for employees if

the company had religious objections to contraception. Hobby Lobby was decided years before the leak of the Dobbs decision, but both decisions were written by Justice Alito, so this case has been called, or this scandal has been dubbed Alito gate by some. Kim, let's start with you and talk about what are the facts as best we know them from the reporting, including what we know about the person who was behind the scandal, Reverend Schenck and his lobbying tactics. And now none of this has been confirmed by us and it's being denied by Alito. But with that in mind, I think the facts are absolutely fascinating, including some of his tactics of lobbying.

Kim:

Yeah, it really is. It's also fascinating what Alito has denied and what he hasn't denied, and I will get to that. So the Reverend Rob Schenck used to be a part of a group of anti-abortion activists, religious anti-abortion activists, and I think it's not just anti-abortion, just very religious conservatives who decided since of course the Supreme Court is not supposed to be subject to external influence, there's no campaign to contribute to or anything like that because our law and constitution don't allow for that. But he got this idea and said, "Hey, what if we just got close to the justices, close enough to get within earshot to let them know, hey, we would like them to remember religious liberty, remember religious freedom, not advocating about any particular case, walking right up to the line without crossing it perhaps."

Well, over the past 10 plus years, that effort has been successful to the point that members of this group have been socializing with several justices on the US Supreme Court. Those we know is the late Justice Antonin Scalia. We also know Justice Clarence Thomas and his wife Ginni, as well as Justice Samuel Alito and his wife Martha Ann. So much so that one couple that's a part of this group has been to the Alitos' home and dined with them. These are the same people who got access to the court among other ways through contributing six figures to the Supreme Court Historical Society. And that is by Alito's own admission, that's the part he admits, that how he got to know them and they became friends and that's how they gained this access, so that's where the pay to play comes in.

Well the allegation is at one member of this group somehow got wind of the result of that Hobby Lobby decision in 2014 before it was released. That is an absolute no-no at the US Supreme Court. But this person, the Reverend Schenck, who found out about the result was able to ready his PR campaign for conservative groups to respond to this, what he saw in that case,

As a victory. Before that case was even announced, he scheduled a prayer meeting and the release of a press release literally at the same minute that the Supreme Court was releasing that opinion, so obviously he knew about it beforehand, he alleges. Alito denies that either he or his wife had anything to do with that leak. That doesn't mean that it doesn't leak, they're just denying that it did. But again, he, Justice Alito, seems to claim without any problem that he did socialize and was hobnobbing with these people who were clearly advocating for a particular outcome in cases outside of the court. And that's an absolute no-no as well. I wrote a column this week in the Boston Globe, it's in the show notes, digging into this a little more, but it's a real problem for the court.

Jill:

And your piece is a really good thing to read. It really lays out what the problem is here and talks about some of the ways in which this concerted lobbying effort went forward, way more than one would like to feel comfortable with. But Joyce, that raises a question what Kim's just saying about, it's a no-no to leak an opinion, but is it actually illegal? And why does it matter if an opinion is leaked before it's publicly released? Does it matter if the leak is to the press or in this case to somebody who was called by

Reverend Schenck a stealth missionary? Does that matter when it's based on payments to the Supreme Court Historical Society is part of how they got access. So talk about that please.

Joyce:

I wonder if y'all have the same reaction to this series of questions and to this issue that I do, which is that on the one hand we engage on these issues because we must because they're presented by these facts. But at the same time, I am so taken aback by the fact that we are here, that we are in a place where justices on the United States Supreme Court have become so careless with the reputation of the court that these are even questions that are being raised. Five years, 10 years ago it would've been unthinkable for this sort of inquiry to be undertaken and here's the reason, the Supreme Court doesn't have armies that go out and enforce its orders. We've talked about that a lot before on this podcast.

Court's opinions are enforceable. We resolve our opinions peaceably in this country using the rule of law instead of dueling militias or whatever sort of violence could otherwise resolve issues because these institutions have integrity and it's incumbent upon the people, the judges who populate these institutions, to ensure that their integrity with the community with citizens remains intact so that we can be a rule of law country. So yes, this absolutely matters. This is unconscionable and the fact that the Supreme Court hasn't taken steps to rapidly correct courses. These increasing challenges to its integrity have mounted, I think are a little bit of a head scratcher. Something is very badly broken and it does matter when these opinions leak because it casts doubt on our ability to continue to be a country where the rule of law has integrity.

We've talked about this as a pay to play sort of issue. I'm used to pay to play prosecutions when corrupt politicians take money or favors from businesses or other entities in exchange for official decisions and then we prosecute them under public corruption laws. This isn't quite in that same setting, but what's happening is that it's clear that people are able to pay for access to Supreme Court justices and whether there's actually a bad result from that or not, whether anything is actually leaked, it's so much impugns the court's integrity that it's a serious issue that has to be addressed.

So your primary question, Jill, was is it illegal? I think the answer is not in a sense where we're likely to see prosecutions. You could probably in a technical way find a statute that would fit, but the question here that really sticks with me and is troubling is who is responsible for these leaks? Early on there was this almost witch hunt fervor towards looking at law clerks and getting their records and this sort of suggestion that maybe a law clerk had leaked. Now we're seeing that there could have been other points of access including a couple of different justices, and I think we're entitled to know the answers to those questions. The truth here may be far more important than actually prosecuting somebody.

Jill:

Right. And you're right that we don't know that the opinion was changed by the early information. We only know that there was or there seems to have been early information. But there is some evidence that the reverend did some prayers before involving the justices and he always managed to send a message to them about the importance of religion in their decisions. So he was trying to influence the outcome at that point. Now we don't know that it actually influenced them, but anyway, now we have, as you've noted, there have been two leaks recently, both in opinions by Justice Alito and there have been several possible conflicts of interest involving Justice Thomas where he has refused to recuse himself despite the obvious conflict. And so Barb, I want to talk about what does it mean in broad terms for Supreme Court credibility that we have all this going on and I think Joyce alluded to that as what is the underlying really big problem?

Barb:

Confidence in our institutions is what makes them go. It's what gives them legitimacy. It is why we comply with the law. It's because we believe that they're acting in the best interests of the country. And when there is either an actual conflict or even the perception of a conflict, it undermines that confidence and it means that people are less likely to comply with the law. The Supreme Court, as you know Jill, is in a special category when it comes to ethics. They are like all other judges subject to recusal when there's an actual conflict of interest. So if you have an immediate family member appearing in a case or a financial interest at stake, then justices like all judges are supposed to recuse themselves, but they're not bound by the other ethical cannons that apply to other judges, which say that they have to avoid not only impropriety but also the appearance of impropriety.

And so that's the one that causes most judges to recuse themselves when there's even an appearance of a conflict of interest. Instead, the Supreme Court says, "Yeah, they should consult by those rules, but they are not bound by them because they are a co-equal branch of government with Congress and the executive. And so we don't want to bind them too much. They can police themselves." Well, I'm not so sure they can. And I think that Justice Thomas is a really interesting case in point. He has refused to recuse himself in matters involving the production of documents, including email messages, some of which have included email messages from his wife Ginni Thomas, talking about the stop the steal effort. I think one could argue that he is biased in that he might have an interest in blocking the disclosure of those emails because they might cause her to be seen in a bad light or by reflection him in a bad light.

And it is also interesting that when the Supreme Court decided the case of whether the national archives was required to turn over White House documents and emails, eight other justices said yes, they ruled quickly that should be disclosed. Justice Thomas was the only justice who dissented from that case. And I think it does create the impression, at least a question of whether he decided that based on the facts and law or whether his curious dissent was instead based on some bias or personal interest and perhaps a recusal would've been better there. So it's a serious problem when our institutions are losing credibility and I think the court needs to be a little more mindful of the way they are regarded by the public.

Jill:

I hope that they will be listening to you and that they will do something about this because I agree completely that something needs to be done.

Barb:

Well, just like the public officials, Jill, whom I've called upon to lower the temperature in their public discourse, I know all the justices who listen to this podcast will heed that call and impose their own ethical constraints.

Kim:

Or members of Congress could pass a law to force them to.

Barb:

There you go. There ought to be a law.

Jill:

There ought to be a law, but Congress, of course, has this separation of powers problem about whether they can in fact regulate this.

Kim:

No, there's not. No, Congress can absolutely pass a law that imposes stronger ethical reporting requirements. They can pass a law that can change the number of justices on the court. They can't change things about what the court's jurisdiction is and what they can appeal, but they can absolutely say you must adhere to the same ethical standards passed by Congress for the other federal judiciary as others. So I actually don't think that there is a constitutional problem there at all.

Jill:

I agree with you. I'm just saying what the court will argue, not that it's correct, but something else that Joyce hinted at was how outraged everybody was about the Dobbs leak and that there was going to be a serious investigation into who did it. And I would point out that there was actually a leak of the Roe decision before it was released officially. But is there any news, Kim, on the investigation into the Dobbs leak?

Kim:

Of course not. Listen, anybody who's watched this court and knows how low they are to voluntarily say what is happening behind the scenes saw this coming, especially with the very careful way that the Chief Justice talked about this investigation when he announced it. He said that there would be an investigation, there would be a report. He didn't say what the investigation would look like, how long it would take, what this report would be, who would get the report if the report would ever be released public. He never said any of that. That was last term. The court is well into this term. The clerks who were working there last term are gone. Who knows what else is going on. I think, if there is, there may be a memo that's distributed to the justices themselves or something. And that could be all there is to this. We may never hear a thing again. So I just want to prepare our listeners for never hearing about what the results of this particular investigation is.

With everything out there, the #SistersInLaw know that being a parent or a family member of those we care about in the digital age is hard. That's why we've come to depend on Aura for digital safety. But let's just take a moment to examine how it affects us all. With all the time our kids and loved ones spend online, they are at risk and protecting them isn't always straightforward. The scenarios they can find themselves in online are endless. So staying safe is a moving target. Maybe they're using your phone on a long car ride complete with no screen limits, content monitoring or locked accounts. Maybe they're playing online and I've unknowingly befriended a predator. Maybe they're finding sneaky ways to see inappropriate content or even being targeted for information harvesting or scams.

Jill:

In this changing online world, it's important that your kids understand the risks online and why privacy matters. If it doesn't matter to them now, it will when they go to apply for a job in the future and people are looking at their history. Worse, kids don't even have to be active online to have their identity stolen. Last year, 1.25 million kids had their identity stolen. That is one in every 45 children, meaning one kid on your child's school bus or classroom has likely been a victim. Many don't even know they've been a victim until they're older and applying for a school loan or first apartment. It's hard to stay safe online these days. And the best solution requires both conversation and technology. That's why we need to fill you in about Aura.

Kim:

Aura can help you have the important conversations about how to stay safe and to take some big things off your plate, like managing screen times, making sure they don't see inappropriate content and protecting their future by keeping their identities and personal information private. With Aura, the price you pay when you sign up is the price you pay when you renew. They don't raise your prices in year two, hoping you won't notice. So join us and let Aura help you have the digital talk, whether it's with your kids, your parents, or even the more trusting people in your life, you know who those folks are, it's time.

Joyce:

Aura is a highly rated, simple and proactive online safety app built to keep your family safe. It monitors and protects your family's identity, finances, devices, passwords, and more all in one easy to use app. And don't we all need easy? Since we've found it, we've seen a drop in spam and phishing attempts. Our passwords are stronger. We feel so much safer knowing that we're browsing, banking and shopping safely with their VPN. Visit aura.com/sistersinlaw to learn more about the digital talk and the key concerns and solutions for kids at every age. Navigate through the site to find the scenario most relevant to your family, watch the stories and discuss with your kids. And now, for a limited time, Aura is offering our listeners a 14-day trial of their parental controls. When you visit aura.com/sistersinlaw. Go to aura.com/sistersinlaw, learn about having the digital talk and sign up for a 14-day free trial today. That's a u r a.com/sistersinlaw. Certain terms apply, see the site for details. Aura, the new standard in digital safety. You can also find the link in our show notes.

Kim:

So there is still a lot going on with respect to the legal situation that the former president is facing. I want to start with the appointment of a special counsel that happened just as we were recording in our last episode, but Joyce wasn't here so I wanted to start with her, to get your views, Joyce, about the appointment of a special counsel. Do you think it was necessary? And it seems that he's hit the ground running.

Joyce:

Yeah. I don't think it was necessary in the sense that it was compelled, but I think it's come off surprisingly well given the hoard of commentators, including I think some, if not all of us, who before Merrick Garland made that decision, thought that a special counsel was unnecessary and might slow the investigation down. In fact, because this special counsel is operating in a very different environment from the environment Bob Mueller was in the sense that there's no legally operative guidance from the Justice Department to prosecutors that says you can't indict a former president. Mueller couldn't indict a sitting one.

Trump is now a former president. So he's fair game for this special counsel, but also this special counsel who is remarkably well-credentialed. He's been in main justice, he's been in US attorney's offices. He's been in the Hague prosecuting war criminals and he has hit the ground running even yesterday, filing a response in the Eleventh Circuit to something that Trump's lawyers had filed the previous day. So I think when he said as he was appointed that he would get up to speed immediately and wouldn't take a pause in the investigation, he's now shown us that he means business when he says that. And I think this decision is increasingly well received by folks who want to see justice done.

Kim:

And Jill, if you have any more thoughts about the special counsel, I'd love to hear them. But also could you bring us up to speed about arguments that were at the Eleventh Circuit this week in the challenge to the Mar-a-Lago search. How did that go and has that changed your view at all about the appointment of a special master in that investigation?

Jill:

So I'm going to answer all three of your questions. The first is that in terms of the appointment of Jack Smith, it turns out I think it's brilliant. I was very opposed at first thinking that it was dismissive of the ability of the Department of Justice to do an independent and non-political nonpartisan investigation, which I felt they could do and that I saw no obvious conflict and that the exceptional circumstances weren't exceptional enough in my mind. But I do think in retrospect, or at least now that I've seen what's happening, that this is much more like when Leon Jaworski took over for Archie Cox. We lost no time because the staff stayed. And so no time was lost and I was really worried about time being lost in starting all over again. So I'm very happy with his appointment and with his immediate jumping into this, including filing a letter this week in support of, or an answer to, a filing by the Trump lawyers.

Secondly, in terms of the challenge to Mar-a-Lago and this argument of the Eleventh Circuit, which is the one in which I'm referring to Jack Smith filing an unusual letter. The argument really went very well for the Department of Justice and very poorly for the Trump lawyers. I think that there's no one who heard the argument, who does not think that the court was sending clear message that they are going to rule in favor of the Department of Justice. And I believe that's as it should be. Nothing has changed my view about the appointment of a special master because I thought from the very beginning that it was a mistake and unnecessary and that the appointment was an indicia of Judge Cannon's inability to be fair in this case. So I think that the outcome is going to end up being exactly what I thought it should be, which is that there is no need for a special master to intervene here and to delay things and that will be a good outcome.

Kim:

Yes. And it's confusing because we have the special master in the Mar-a-Lago case that is also a part of what the Special Counsel is looking at. These are two different people. I know that it's very confusing, but I'm going to make it a little more confusing. So I'm going to go back to the special counsel for a second, Jack Smith, just very quickly, and y'all can tell me if you're wrong, and I know you say you've changed your mind about the appointment, I still worry very much about the decision to appoint. I wish it had been done right at the beginning, but the fact that it came and it was timed with Donald Trump's announcement that he's running for reelection, I worry that that will give the illusion, even if that's all there is, the Republicans are going to make it so that it's a lot more, the illusion that this was politically motivated.

And just as we spoke about the Supreme Court, the court's reputation is only as good as people's willingness to follow what they do because they believe that what they say is done in the interest of justice. I think that the results of this, in part, when it comes to how the American public accepts it, has to do with how they believe that this is an act of impartial justice and not a political act. And at this moment, I don't know if that will happen. And so y'all can tell me that I'm wrong,

Jill:

Kim, I agree with you in I'm making the best of what is by saying what I said. But my ideal solution would have been to make Jack Smith the leader of this trial team, to hire him as a Department of Justice head of the team because I think he adds significant value, not just because of his experience prosecuting a

former president, not just because of everything that we have heard about him being a go-getter, hard-hitting, fast decision maker, someone who doesn't have to run the Department of Justice at the same time, which means he has more time to devote to thinking about all the details of this and to have a high level presence that Merrick Garland could never have had because of all his other responsibilities. That would've been the best way to bring him in. I would've preferred that, but we have what we have and I think it's not going to... One of my big concerns was delay. I don't think that's going to happen.

I don't know why I didn't see the analogy to Jaworski taking over. At first, it was because I was so angry about it happening and insulting the Department of Justice. But I agree with you that it was and is unnecessary and it still creates a bad feeling. And I also believe then and still believe that it isn't going to make it seem any more independent. No Trump supporter is going to accept Jack Smith as being any more nonpartisan than anybody else at the department. And we've already seen that in their reactions.

Joyce:

I think Merrick Garland's answer, at least if I'm reading his statement correctly, would be that the statute, the guidance that DOJ operates under for special counsel, says that when there are extraordinary circumstances, the Attorney General will appoint a special counsel and he read Trump's announcement that he was running for the presidency in light of Biden stated intention of running as an extraordinary circumstance. So I think that's the technical answer here, but I have questions like y'all do. And of course, one of the questions that I've always had is where was DOJ for the first year after Merrick Garland took over. Why weren't there any overt signs of investigation? Those cropped up whatever, December, January of '21, '22. And here we are now a year in with this special counsel only just now coming on board. So I think it's fair to question what led to this sort of timeline.

Barb:

Yeah. I would also point out that, Joyce, although he did say the Attorney General will appoint a special counsel under extraordinary circumstances, there's an awful lot of room for disagreement as to what constitutes extraordinary circumstances that require a special counsel. So I think it's still a discretionary call.

Joyce:

Yeah, I think and I both disagree, right?

Barb:

Yeah, I think it's a discretionary call.

Joyce:

But that's what he's saying happened.

Barb:

Oh, I agree. I think he thought that it's necessary and I think reasonable minds can disagree. I still think it was unnecessary. But like Jill, in light of the fact that we have it, I think it's going to be more efficient than less efficient because of the singular focus that Jack Smith can place on this investigation as opposed to the thousand things that Merrick Garland has to focus on.

Joyce:

All right. And here's a really interesting data point. Jack Smith was an acting US Attorney in the Nashville US Attorney's office during the Trump Administration. He is a Trump US Attorney. They permitted him. They had no objection to him when he became the acting US Attorney in Nashville. So it's a little bit late to start raising questions about his politics, I guess, at this point.

Kim:

That's a good point too. All right, Barb. There was still action happening in Georgia where district attorney Fani Willis's investigation is moving along and had a high profile witness this week. What happened?

Barb:

Well, that high profile witness was when Lindsey Graham, who had been fighting this subpoena for a long time, he asserted the speech or debate clause saying that this would somehow interfere with his legislative work. That case went through the courts ultimately to the Eleventh Circuit Court of Appeals, even the Supreme Court that said, "No, get in there and testify." Now, they did put some restrictions in place to ensure that the prosecutors in Fulton County did not delve into legislative matters. They didn't intend to. They wanted to find out about calls that he made with Secretary of State Brad Raffensperger about counting votes. We know that there was that recorded conversation with Donald Trump where he talked about finding the 11,780 votes. So that's what Fani Willis wants to look into and she did. Last week, he testified. He was there for a couple of hours. By all accounts, he answered the questions. He thought he was treated respectfully and so she got what she needed from him.

And I'll tell you, she is taking care of business down there. She's had Rudy Giuliani in the grand jury, John Eastman, Boris Epshteyn, Brian Kemp, the governor of the state. She's still trying to get some others in who continue to resist in court battles like Mark Meadows, the former Chief of Staff, Mike Flynn and Newt Gingrich. She's still working on some of those folks. But the goal is you've got to find out all of the potential information to determine whether you have a chargeable case. Even though a case could be charged on the basis of probable cause, prosecutors typically don't charge until they believe they have sufficient evidence to prove the case beyond a reasonable doubt. And that means you have to turn over every stone to anticipate defenses.

So what you don't want is to have enough evidence for probable cause, charge a case, and then have people like Lindsey Graham or Mark Meadows or other kinds of people come in and present testimony you've never heard before that creates some sort of defense. You want to know all of that stuff up front. Also, if they were there making these phone calls, is there something incriminating about those calls that Fani Willis needs to know to assess any charges in this case? So the law says that the grand jury is entitled to every person's testimony. And that is true whether you're a member of Congress or a former member of Congress or a governor, or a Vice President or a President. And so she is taking care of business there and moving and making progress.

Kim:

And finally, Joyce, just when I thought we were done, at least for the time being, talking about Alvin Bragg and certainly about Stormy Daniels, here we are talking about them both again. Why do you think Alvin Bragg is looking into Trump again after putting the last probe in the Manhattan office on ice the way we talked about it before?

Joyce:

Yeah, I mean it's interesting. These reports of Surface that Bragg is looking at the Stormy Daniels matter that Michael Cohen was successfully prosecuted for by the federal government and thinking about whether there might be a New York state charge based on the creation of false business records when Stormy Daniels, the payment that was issued to her was improperly accounted as a legal expense, when in fact it was an illegal expense bribe. Interesting sort of use of the statute. I'm not as bullish on this one as some folks are, Kim. I'm not sure that we really are going to be hearing a lot about this. For one thing, there's a statute of limitations issue. They're well past the statute of limitations. There are some ways around that. There's a suggestion that it didn't run because Trump was out of state or perhaps because there was a cover up and the statute of limitations extends when you have a coverup for a conspiracy. So I suppose that's possible.

But as a matter of New York State law, in order for the charge to be a felony, you've got to be able to prove that the business record was falsified in an effort to commit another crime. And that might mean that this charge, even if it could be proven, would just be a misdemeanor. So I want to wait and see as to whether Bragg is seriously pursuing this one. He's still in the middle of the criminal case against the Trump organization that hasn't concluded yet, and there's no suggestion that he has gone to the grand jury on these new charges. When and if that happens, then I think we should take it seriously. But for now, I see a lot of legal impediments to moving forward with this at this point in time.

Kim:

And finally, just to wrap up, who says that a holiday week is slow? The DOJ is interested in talking to Mike Pence in connection with their investigation into January 6th. Of course, I think that's something they obviously should do if Mike Pence, who has been on a book tour, can talk about what happened on January 6th to push his memoir sales, he certainly can talk to the DOJ as I believe he should have spoken to the January 6th committee in Congress as well. But we will keep you posted as to whether he does testify and what we might learn from that.

Jill:

It's gotten really cold in Chicago. We've been having some really below freezing temperatures, and I am finding that OSEA Malibu has the oils that really help my skin stay better in this bad weather. Have you tried it, Kim?

Kim:

I really have. I'm a big fan of the OSEA serum that I put on before I put on my moisturizer. I find that if my skin is dry or irritated in this weather as we get colder and drier, that that helps supercharge my moisturizer and it just makes my skin feel really good. And I feel really good knowing that it's made of good stuff. Taking care of yourself is always important and when you have a great way to do it, you need to gift it too. It's just another reason why we love OSEA. OSEA is a California based skincare and body care brand that's been making clean, vegan and cruelty-free skincare products for over 25 years. They use seaweed as their hero ingredient because it's a nutrient rich superfood with endless benefits including for anti-aging and moisturization.

Joyce:

And not only are our OSEA products clinically proven to work, we love how their climate neutral certified. Your skin will glow and you'll feel amazing. That's why it's one of our favorite gift list power players. I'm actually getting it from my best friends. I hope that they're not listening to this week show, but it's great stuff. The one we recommend is OSEA's bestseller minis collection. It's great for so many of

the people in your life and it's only available for a limited time. If you're like me, you'll want it for yourself too when you travel. With it, you get or can give a travel size six piece set of luxurious skincare and body care favorites. It's convenient, it's adorable, giving a complete glow up from head to toe.

Kim:

It has OSEA's three best selling face products, their ocean cleanser, their hyaluronic C serum, that's my go-to, and the sea biotic water cream, plus three best selling body moisturizers. It even has their TikTok famous undaria algae body oil. We love how it comes packaged in a beautiful box that's easy to gift wrap. But with packaging this pretty, you can skip the wrapping paper altogether and get straight to the good stuff.

Joyce:

You'll be giving them or yourself products with clinically proven results for an unmatched body care experience. All of OSEA's products are clean, clinically proven, and consumer tested. They're the perfect addition to any winter skincare and body routine. For a gift that we'll impress, check out OSEA's best selling minis collection. Right now, our listeners get 10% off your first order with promo code Sisters at oseamalibu.com. You'll even get free samples with every order so you can get hooked on more products and orders over \$50 get free shipping. That's 10% off at OSEA, O S E A malibu.com, promo code Sisters. You can also find the link in our show notes.

Well before we conclude for the week, we get to answer some questions from our listeners. This is our favorite part of the show. We really love your questions. They're always very thought-provoking and they are this week. If you have a question for us, please email them to us at sistersinlaw@politicon.com or tweet using the #sistersinlaw. If we don't get to your questions during the show, keep an eye on our Twitter feeds during the week. We try to answer as many questions as we have time for. Our first question this week is for you, Barb. It's from Myrna. And she asks, "What are the benefits of a civics education? Do you think we do enough to teach civics in schools?" That one seems straight up your alley.

Barb:

Oh, Myrna, we are on the same page sister. Civics are so important, I think, to understanding how our government works. I think if we don't understand how our government works, it is so easy for people to pull the wool over our eyes and suggest that we're being run by some global elites cabal. But I think we're not doing enough for civics education. If you ever watch these late night talk shows where people do the man on the street interviews and ask people to name a Supreme Court justice or name one of the three branches of government, people just stare at them blankly. It's really an embarrassment.

Jill, I know you were talking about how in Australia they understand American politics, same is true in Canada or Great Britain. Not only do they understand their own, but they understand the politics of the world. And I think we are spending so much time focused on other things. We are obsessed with celebrity gossip and reality television shows and not focused enough. And I think if we could give people a stronger foundation in civics, teaching kids how to vote, how to research what's on the ballot, I think we presume that most young people will get that kind of instruction from their families. But that's not true in every family. And so I think we have an obligation in our public schools to develop strong citizens by teaching civics.

Joyce:

Kim, we had similar questions from Katie and Stephanie. They asked about something that I think is in your wheelhouse, whether there's a case to prevent Trump from running using the 14th Amendment or other post-civil war era laws. What do you think?

Kim:

Yeah, so I think the answer is yes and no. So I think what they are getting at is in the 14th Amendment, there is a disqualification clause that prevents someone from running for federal office, including the presidency if they have "engaged in insurrection or rebellion." And the idea is if Donald Trump is say convicted of his role in the January 6th attack, could that be considered disqualifying? The answer is unclear. The experts that I've been talking to over the past year or so about this believe that it's likely that this isn't self-executing. It means that it needs another statute to be passed, an executing statute that creates the power to prevent someone from being put on the ballot in such case.

Now it would also require some finding, some conviction, something that Donald Trump did engage in insurrection or rebellion. It will take that other step too. But there is a reportedly, according to the Hill, Congressman David Cicilline and others are floating legislation that would do this very thing. So we'll have to wait and see whether that can get passed in lame duck in time, highly unlikely. And whether Donald Trump will either be even be convicted of anything or there will be some sort of binding finding that he did engage in an insurrection is still unknown, but the power is there. It's just whether the levers exist to execute it.

Joyce:

It's a really interesting question and I suspect it's one we'll be discussing as this campaign really gets underway. Another related question, Jill, for you, and again, we had similar questions in this regard from several of our listeners, including Pat and Phil, who's in San Francisco, California. The question is this, would you discuss the difference between a special counsel and a special prosecutor? Some news reports and commentators have used the two terms interchangeably. Is there a difference? I suspect, Jill, that you have the institutional knowledge to answer this one.

Jill:

I do. And there is a difference. And there's a third term, which is independent counsel, and the difference is the law under which they serve. So I was an assistant special prosecutor because that was the regulations and law that we were appointed under. In between, there came an independent counsel and now there are new rules and regs which create a special counsel. And each of them has different powers. I would say in an ideal world, we'd go back to the special prosecutor legislation under which I served because we had more independence from the Department of Justice than subsequent holders of that title.

And I would say that right now, special counsel is really just a Department of Justice employee. They are governed by all the rules and regs of the department. They report to the Attorney General. The Attorney General can reject their recommendations, makes the final decision. We sought abused by Attorney General Barr in releasing the Mueller report. He first issued a press conference in which he said, "There's nothing here, folks." And it became very hard to undo the impression he created that there was no collusion, no conspiracy, which was untrue when you read the report. So I would like to go back to having rules and regs that are creating the special prosecutor like Archie Cox was.

Joyce:

Thank you for listening to #SistersInLaw with Jill Wine-Banks, Barb McQuade, Kimberly Atkins Stohr, and me, Joyce Vance. Remember to share your biggest learnings or takeaways from the show with us on Twitter and Instagram for our upcoming 100th full episode using #sistersinlaw100. That's #sistersinlaw100. We can't wait to hear from you. You can send in your questions by email the sistersinlaw@politicon.com or tweet them for next week's show using #sistersinlaw. Go to politicon.com/merch to buy our pale blue tea, our hoodie and other goodies. It's almost Christmas. The timing is just right. And please support this week's sponsors, Hello Fresh Lomi, Calm, Aura and OSEA Malibu. You can find their links in the show notes. Please support them. They really help to make this show happen. To keep up with us every week, follow #sistersinlaw on Apple Podcasts or wherever you listen and please give us a five star review. It helps others find the show. See you next week with another episode, #SistersInLaw. I hope he becomes... Sorry about that.

Kim:

There's never a bad time for the Indigo Girls. You don't have to apologize.

Jill:

And it wasn't Frisbee who did it.

Barb:

Joyce, that your ring tone? Do you have Indigo Girls ring tone?

Joyce:

It's my alarm tone because it keeps me from getting uptight. When I hear the Indigo girls, it makes me happy even though I have something I have to do.

Barb:

I love it. You're such a woman of a certain age, as am I. I love the Indigo Girls too.

Joyce:

Yes, it's okay. You can call me old, I am. I own it.

Barb:

Yeah, we're just a certain age. Excellent.